

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

STEVEN DAMIEN YOUNG,

Plaintiff

v.

WARDEN BALDEN POLK, *ET AL.*,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 5:20-CV-00087-RWS-JBB

**ORDER**

Before the Court is the Magistrate Judge's Report and Recommendation that contains proposed findings of fact and recommends that Defendant Lt. Dequan M. Wilson's Motion for Summary Judgment be granted and claims against him be dismissed with prejudice. Docket No. 151 at 8.

Plaintiff Steven Damien Young, an inmate proceeding *pro se*, filed the above-captioned case complaining of alleged deprivations of his constitutional rights. Docket Nos. 1, 75. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. This Order concerns the motion for summary judgment filed by Defendant Wilson. Docket No. 122.

Plaintiff sued Lt. Wilson for allegedly causing him to be exposed to cold weather without adequate protection. Docket. No. 75, ¶ 74. Lt. Wilson filed a motion for summary judgment arguing that Plaintiff received a blanket, Plaintiff failed to overcome Lt. Wilson's qualified immunity, and Plaintiff did not show harm and thus is not entitled to compensatory damages. Docket No. 122. Plaintiff did not file a response to the motion for summary judgment.

After review of the pleadings and summary judgment evidence, the Magistrate Judge issued a Report recommending that Lt. Wilson's motion for summary judgment be granted and the claims against Lt. Wilson be dismissed with prejudice. Docket No. 151 at 8. Plaintiff received a copy of this Report and Recommendation on January 12, 2023 (Docket No. 152) but filed no

objections. Because Plaintiff filed no objections to the Report and Recommendation, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations; and, except upon grounds of plain error, Plaintiff is also barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings, Lt. Wilson's motion, and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (noting that where no objections to a Magistrate Judge's Report and Recommendation are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") Accordingly, it is

**ORDERED** that the Report and Recommendation of the Magistrate Judge (Docket No. 151) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that Defendant Lt. Dequan M. Wilson's Motion for Summary Judgment (Docket No. 122) is **GRANTED** and the claims against Lt. Wilson are **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that Lt. Wilson is **DISMISSED** as a party to this case. This partial dismissal shall have no effect upon the remaining claims and defendants in the case.

**So ORDERED and SIGNED this 22nd day of March, 2023.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE